




Homeland  
Security

July 27, 2021

MEMORANDUM FOR THE FEDERAL FACILITY SECURITY COMMITTEES AND  
DESIGNATED OFFICIALS

FROM: L. Eric Patterson   
Director  
Federal Protective Service

SUBJECT: **Federal Protective Service Updated Mask Enforcement Guidance**

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**Purpose:** This memorandum provides updated guidance from the Federal Protective Service (FPS) to Federal Facility Security Committees (FSCs) and Designated Officials (DOs) regarding FPS enforcement of face masks consistent with the Centers for Disease Control and Prevention (CDC) updated guidance on Interim Public Health Recommendations for Fully Vaccinated People issued July 27, 2021. FPS understands and regards the CDC mask guidance as consistent with and incorporated by reference in both Executive Order (EO) 13991, *Protecting the Federal Work Force and Requiring Mask-Wearing*, and the corresponding Office of Management and Budget (OMB) Memorandum M-21-15, *COVID-19 Safe Federal Workplace: Agency Model Safety Principles*.<sup>1</sup>

**Timeliness:** This memorandum contains updated, time-sensitive information for immediate distribution to FSCs and DOs related to mask wearing enforcement.

**Background:** On May 24, 2021, FPS provided guidance to FSCs and DOs regarding FPS enforcement of mask wearing for all individuals while entering or otherwise clearing security screening stations located on federal property protected by FPS. FPS advised that it enforces the wearing of masks upon receipt of written confirmation of four criteria: (1) the FSC/DO either already adopted/approved existing security countermeasures requiring the wearing of masks, or are implementing such requirements as dictated by EO 13991 and OMB M-21-15; (2) notice of the requirement for wearing masks via written signage is posted conspicuously at each public

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<sup>1</sup> EO 13991 expressly states “agencies should immediately require masks and distancing consistent with CDC guidance in all Federal buildings.” (emphasis added). OMB Memorandum M-21-15 similarly states that “individuals in Federal buildings and on Federal lands should all wear masks, maintain physical distance, and adhere to other public health measures, as provided in CDC guidelines” (emphasis added).

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entrance by the FSC/DO or the Building Manager; (3) all occupying federal agencies develop accommodations for persons without access to or refusing to wear masks to acquire any Government benefits or services to which the individual is entitled, such as monetary benefit payments or required adjudicative appointments or hearings; and (4) all occupying federal agencies develop and communicate internal policies or guidance to their personnel (employees and contractors) that address the requirement to wear masks as required in OMB M-21-15, to include whether the mask is provided by the agency, contract vendor, or individual employee or contractor.

On July 27, 2021, the Centers for Disease Control and Prevention (CDC) updated its mask guidance stating that all persons, to include those fully vaccinated, should wear a mask indoors in public if located in an area of substantial or high transmission<sup>2</sup> in order to maximize protection from the Delta variant and prevent possibly spreading it to others.<sup>3</sup> Consequently, the White House Office of Management and Budget (OMB) immediately imposed new face mask requirements effective no later than the opening of business on July 28, 2021 as follows:

- In areas of substantial or high community transmission, agencies must require all federal employees, onsite contractors, and visitors, regardless of vaccination status, to wear a mask inside federal buildings. As of July 27, 2021, that includes federal buildings in the Washington, DC area.
- Federal employees, onsite contractors, and visitors who are not fully vaccinated also need to continue to physically distance consistent with CDC guidance.
- Agencies should, as soon as possible, post signs and post information online on agency websites making clear what masking requirements apply in each federal facility.

**Guidance:** In accordance with the CDC guidance and OMB directive, both issued on July 27, 2021, and as consistent with EO 13991 and the corresponding OMB Memorandum M-21-15, FPS will resume enforcement of the indoor face mask requirement at FPS-protected federal facilities. It is recommended that the responsible FSC/DO immediately update its written notice that wearing face masks includes those persons fully vaccinated, and ensure the written notice is posted conspicuously at each public entrance by the FSC/DO or the Building Manager.

FPS may enforce the face mask requirement upon receipt of written confirmation that: (1) notice of the face mask requirement via written signage is posted conspicuously at each public entrance on the property by the FSC or Building Manager; (2) all occupying federal agencies developed accommodations for persons without access to or refusing to wear face masks to acquire any Government benefits or services to which the individual is entitled, such as monetary benefit payments or required adjudicative appointments or hearings, because FPS cannot enforce

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<sup>2</sup> See <https://covid.cdc.gov/covid-data-tracker/#county-view> (viewed on July 27, 2021).

<sup>3</sup> See <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html> (viewed on July 27, 2021).

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directives that create a prohibitive barrier to obtaining lawful benefits or services; and (3) all occupying federal agencies developed and communicated internal policies or guidance to their personnel (employees and contractors) that address the face mask requirement, to include whether the face mask is provided by the agency, contract vendor, or individual employee or contractor.

The reference to accommodations in item two refers to the need for federal agencies to inform visitors on how to gain access to any benefits or services via alternative means (i.e., online transmission, postal or other delivery service, alternate location, or venue, etc.) if the visitor is unable to enter the federal property because s/he does not have access to a face mask or is otherwise unable or unwilling to comply with this OMB directive. For ease of implementation, FPS recommends the FSC or Building Manager include contact information for each impacted federal agency on the same signage that informs visitors of the face mask requirement. Providing notice of both the face mask requirement and individual agency contact information enables FPS officers and security guards (i.e., Protective Security Officers or (PSOs) to more efficiently direct non-compliant visitors out of the admissions screening station and over to the signage for the contact information needed to make other arrangements with the relevant agency.

Upon receipt of written confirmation that the three pre-requisites identified above are met, FPS may enforce the OMB indoor face mask directive utilizing any applicable charging authority, to include the federal property management regulations at 41 CFR, Part 102-74, Subpart C, Conduct on Federal Property.

The same rules articulated in the paragraphs above apply for all FPS-contracted Protective Security Officers (PSOs) working at FPS-protected federal facilities. Effective immediately, but no later than the opening of business on July 28, 2021, PSOs must both resume wearing face masks themselves, and enforce applicable indoor face mask requirements in accordance with the above-stated guidance for FSCs/DOs.

Please be advised that FPS law enforcement personnel and PSOs have no responsibility for enforcement of wearing masks in federal tenant workspace, meaning that the impacted federal tenant agency must address issues with employee, contractor, and/or invited visitor not wearing a mask as an employment, contract, or administrative matter. FPS only responds if a criminal predicate develops with a non-compliant employee, contractor, or visitor.

It should also be noted that FPS does not currently enforce the wearing of masks outside of the federal buildings it protects unless the failure to wear a mask outside of the building directly violates a posted building requirement and impedes the safe and efficient operation of that federal building. FPS, as a designated member of the Safer Federal Workforce Task Force created by EO 13991, will continually assess the effectiveness of the mask wearing enforcement efforts and work closely with FSCs and DOs to ensure that the federal buildings it protects remain as safe as possible for federal employees working in the buildings and visiting members of the public.

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As always, please be advised that any new security screening entrance procedure may result in the PSO security vendors (security guard companies) submitting Requests for Equitable Adjustment for additional compensation due to any deviation from the current post orders. These requests will be reviewed on a case-by-case basis; and if they are deemed by the FPS Contracting Officer to constitute a change to the contract Scope of Work, additional compensation may be due to the PSO vendor for which the tenant agency will be responsible.

Under no circumstances shall the tenant agency attempt to direct the PSO vendor to make any changes in security requirements. Any changes must be coordinated through the local FPS point-of-contact (i.e., assigned Contracting Officer Representative or assigned Inspector or Commander) who will then submit the proposed change(s) to the FPS Contracting Officer for the PSO contract and implement in accordance with the terms of the contract.